

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**EDWARD JOSEPH MCNATT,
Petitioner**

V.

JUDGE OLIVER J. LOBAUGH,
Respondent.

C.A. No. 05-124 Erie

**District Judge McLaughlin
Magistrate Judge Baxter**

ORDER

AND NOW this 28th day of September, 2005,

IT IS HEREBY ORDERED that Petitioner’s “Application for an Immediate Hearing on Actual Innocence on the Pending Petition for Writ of Habeas Corpus” [Document # 13] is DENIED. Petitioner’s Petition for Writ of Habeas Corpus will be considered by this Court in due course..

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief U.S. Magistrate Judge